

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JENNIFER SHAFER, <i>et al.</i> ,)	Case No.: 1:16 CV 1468
)	
Plaintiffs)	
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
UNITED OF OMAHA LIFE)	
INSURANCE COMPANY, <i>et al.</i> ,)	
)	
Defendants)	<u>JUDGMENT ENTRY</u>

The court, having granted Plaintiffs Jennifer and Michael Shafer's ("Plaintiffs") Motion for Judgment in Favor of Coverage as a Matter of Law (ECF No. 16) in a separate Order on August 30, 2017 (ECF No. 19), and having granted in part and denied in part Plaintiffs' Motion for Attorney Fees, Costs, and Interest (ECF No. 22) in a separate Order on this same date, hereby enters judgment in favor of Plaintiffs and against Defendant United of Omaha Life Insurance Company ("United") in the amount of \$107,000.00. In addition, Plaintiffs are entitled to an award of prejudgment interest on that judgment using the applicable rate calculation pursuant to 28 U.S.C. § 1961¹ for the period beginning on August 3, 2015 and ending on October 31, 2017. Plaintiffs are also entitled to

¹ Pursuant to 28 U.S.C. § 1961, interest is calculated at "a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System".

postjudgment interest, to be calculated in accordance with 28 U.S.C. § 1961,² from the date of entry of judgment on October 31, 2017 which shall be computed daily until date of payment.

Having determined that coverage exists under the Loftus life insurance policy, Plaintiffs' state law claims against Fitzgibbons Arnold & Company Agency, Inc. Welfare Benefits Plan (Plan No. 502), Fitzgibbons Arnold & Company Agency, Inc. Group Term Life Insurance Benefits Plan #GLUG-ATZZ, and Fitzgibbons Arnold & Company Agency, Inc. are dismissed without prejudice as moot based on the court's resolution of coverage in favor of Plaintiffs and against United on Plaintiffs' ERISA claims.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT COURT

October 31, 2017

² See *id.*